



PLANNING COMMISSION SYNOPSIS

Wednesday, February 27, 2008

5:00 p.m. STUDY SESSION

CEQA: Reviewing Environmental Impact Reports

ROOM LOCATION T-332

6:30 p.m. Regular Meeting

Council Chambers

First Floor, City Hall Wing

200 East Santa Clara Street
San José, California

Ash Kalra, Chair

Randi Kinman, Vice-Chair

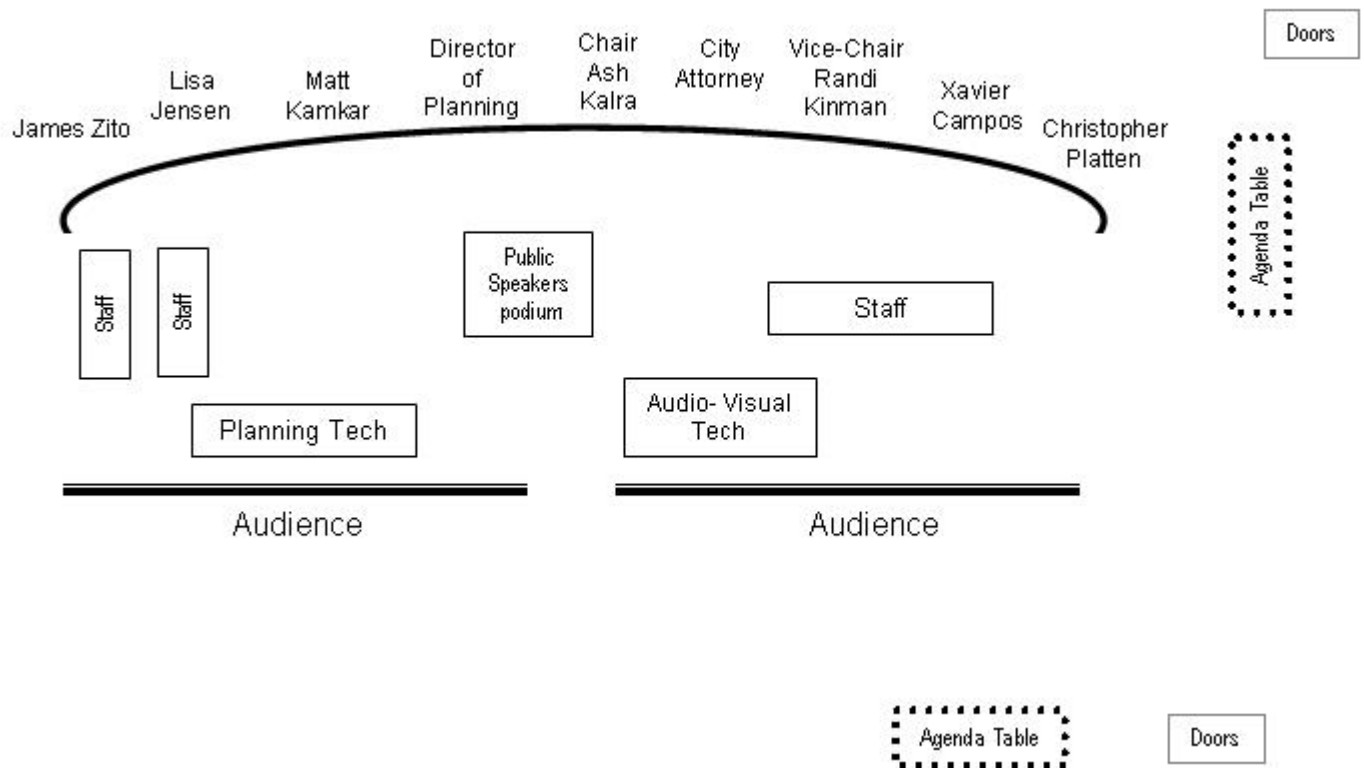
Xavier Campos Lisa Jensen
Matt Kamkar Christopher Platten
Jim Zito

Joseph Horwedel, Director
Planning, Building and Code Enforcement

NOTE

To listen to the audio recording of the planning Commission, please go to the Planning website at: http://sanJosé.granicus.com/ViewPublisher.php?view_id=17

The Planning Commission is a seven member body, appointed by the City Council, which makes recommendations to the City Council regarding the adoption, amendment, or repeal of general or specific plans, and regulation of the future physical land use development, redevelopment, rehabilitation or renewal of the City, including its Capital Improvement Programs. The recommendations to the Council regarding land use development regulations include, but are not limited to, zoning and subdivision recommendations. The Commission may make the ultimate decision on Conditional Use Permits, and acts as an appellate body for those persons dissatisfied with the Planning Director's decisions on land use and development matters. The Commission certifies the adequacy of Environmental Impact Reports.



The San José Planning Commission generally meets every 2nd and 4th Wednesday at 6:30 p.m., unless otherwise noted. Agendas and Staff Reports for Planning Commission items may be viewed on the Internet at www.sanJoseca.gov/planning/hearings/planning_com.asp.

Audio for the Planning Commission hearings are recorded and broadcast live. To listen to live audio broadcast or to listen to past hearing recordings go to the Internet website: http://sanJose.granicus.com/ViewPublisher.php?view_id=17#planningCommission.

If you have any questions, please direct them to the Planning staff at (408) 535-7800. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.

AGENDA
ORDER OF BUSINESS

1. ROLL CALL

2. DEFERRALS

- a. Consideration of Planning Commission Agenda management and length of public hearing concerns and determination on whether to proceed with remaining agenda items past 11:00 p.m., continue this hearing to a later date certain, or defer remaining items to the next regularly scheduled Planning Commission meeting date. To be heard by the Planning Commission no later than 11:00 p.m.
- b. **PDC07-097**. Planned Development Rezoning from the A(PD) Residential Zoning District to the A(PD) Residential Zoning District to allow 29 single-family detached residences on a 7.24 gross acre site, located at the southeast corner of Yerba Buena Road and Highway 101 (3800 Dove Hill Road) (Joey and Frances Lo, Owners). Council District 8. SNI: None. CEQA: Incomplete. *PROJECT MANAGER, R.MATHEW*

DEFERRED TO 03/12/2008 (6-0-1; ZITO ABSENT)

3. CONSENT CALENDAR

- a. **CP07-061**. Conditional Use Permit for an eating, drinking, and entertainment establishment and late night use until 2:00 a.m. daily on a 0.08 gross acre site in the DC Downtown Primary Commercial Zoning District, located at/on north side of E. San Fernando Street approximately 150 feet east of S. 2nd Street (71 E San Fernando ST) (Lawrence Building Co Malcolm Durham, Owner). Council District 3. SNI: None. CEQA: Exempt. *PROJECT MANAGER, L.MCMORROW*

APPROVED (6-0-1; ZITO ABSENT)

- b. **CP07-090**. Conditional Use Permit to allow a portion of an existing building 14,162 square feet for an out-patient medical office use with minor driveway modifications, entry way improvements and tenant improvements on a 0.54 gross acre site in the IP – Industrial Park Zoning District, located on the northeasterly side of Real Drive (7017 Realm Drive) (Aristoteles J. Callo & et.al., Owner). Council District: 2. SNI: None. CEQA: Exempt. *PROJECT MANAGER, S.SAHA*

APPROVED (6-0-1; ZITO ABSENT)

The following items are considered individually.

4. PUBLIC HEARINGS

- a. **ORDINANCE REVISION**. An ordinance amending Chapter 20.100 of Title 20 (the Zoning Ordinance) and Chapter 23.02 of Title 23 (the Sign Ordinance) of the San José Municipal Code to provide for a Development Permit Adjustment exception for qualifying minor work requiring Historic Preservation Permit Adjustments at City Landmark and Historic District sites and structures. CEQA: Not a project. *PROJECT MANAGER, D.MCBAIN*

RECOMMENDED APPROVAL (6-0-1; PLATTEN ABSENT)

In response to Commissioner Zito, staff clarified application of revision to sign ordinance and number of historic properties which the change could apply to including 150 sites, and properties in up to 15 districts. Staff noted Mirasou Winery not yet designated as Landmark so the ordinance would not apply.

In response to Commissioner Jensen, staff noted brief discussion at Historic Landmark Commission, and explained items approvable with Historic Preservation permit adjustment. Commissioner Jensen asked for clarification on ability to change window trim for wood to vinyl and how does staff consider proposals. Staff responded that there are numerous factors and full window replacement likely to be a full Historic Preservation permit.

- b. **PDC07-079**. Planned Development Rezoning from R-1-8 Single-Family Residence Zoning District to A(PD) Planned Development Zoning District to allow 3 single-family, detached residences on a 0.4 gross acre site located on the southwest corner between Keesling Ave and Hamilton Way (1500 Keesling Ave.) (Robert Cullen, Owner). Council District: 6. SNI: None. CEQA: Exempt. *PROJECT MANAGER, A.BATY.*

RECOMMENDED APPROVAL (4-1-1-1; KALRA OPPOSED, PLATTEN ABSENT; KAMKAR ABSTAINED)

Staff made a brief presentation regarding the project, and noted public testimony received in opposition to the project, and that setbacks and other requirements are greater than R-1-8 standards.

Applicant highlighted four parking spaces per unit on site, plus one extra, plus retained all redwood trees in site plan and stated 3 moderate homes are better than one 8000 square foot house that could be permitted with a building permit.

Seven area residents spoke and expressed concerns about existing congestion on narrow street, parking spill-over onto Keesling, a dangerous bend in road with several accidents, privacy issues for new two-story houses overlooking existing homes and yards, fences which will block view by existing residents and block sunlight from existing garden.

Applicant explained nature of courtyard parking allowed all vehicles to exit front-facing, no back out, that four parking spaces for each house and one additional, and explained orientation of houses to avoid harming redwood trees. In response to Commissioner Zito, applicant stressed courtyard design to increase safety, maximize parking and preserve trees and noted no driveways onto Hamilton due to City-sponsored improvement project for pedestrian enhancement and landscaping on Hamilton.

In response to Commissioner Kinman on rolled curb, applicant stated rolled curb on Keesling to be replaced with standard City curbs as are being installed on Hamilton.

Staff responded to setback concerns, noting 8 foot setback bigger than typical 5 foot setback and that second story in conceptual plans have bathroom and closet with no overlook into adjacent rear yards to reduce privacy concerns. Staff commented that slight grade difference for 3.7% slope is handled with existing retaining walls and difference in court home lots within two feet. Staff explained existing width of Keesling pre-existing and noted project is within 150 feet of street so Fire Department trucks would not come on-site. Staff noted density conforms to General Plan and lots proposed are a transition between apartments and larger lots. Staff noted ample parking provided, and cars can turn around on-site and exit forward-facing. Staff noted extensive work with applicant to keep most trees and plant

replacement trees. Staff noted area mix of larger lots from 1930's and apartments and town homes and noted lot sizes conform to General Plan and R-1-8 standards.

In response to Commissioner Zito, staff explained that front doors on two units face onto Keesling, even though the driveways in a court. Staff further explained that the driveway mouth could be 20'x20' with neck down to 12 feet. Commissioner Zito asked if two units could be proposed. Staff noted four units with vacation of some street had been proposed, and reduced to three.

In response to Commissioner Kinman about whether shade pattern had been studied, staff stated no requirement and indicated as house designs are finalized, issues between privacy and landscaping and shade trees could be balanced with neighbors. In response to Commissioner Jensen, staff noted street improvements under construction with standard sidewalk but lots of landscaping and would be considerably more than typical in a park strip.

Commissioner Kinman recommended approval of 3-unit project as recommended by staff, noting that she understands concerns of residents, but has to balance safety issue, and court design best suits traffic safety issue. Commissioner Jensen stated concern about "inward focus" of courtyard and feels open space would be better use, but noted this is only conceptual and perhaps individual driveways could be considered, and thanked neighbors for coming out. She stated applicant could have proposed something more incompatible and that these are not monster houses but design isn't fully set, and staff will continue to work with neighbors at permit stage.

Commissioner Zito thanked neighbors and commented larger project proposed was reduced in scope and stated that any single-family lots bigger than 2000 square feet are rare and this could have been a townhouse or condominium project and recommended ongoing dialogue at permit stage.

Commissioner Kalra noted some issues raised not fault of applicant, but stated site more appropriate for two units, but understands project meets General Plan density, and suggested staff look to reduce density to two units so no unit would be isolated in corner.

5. PETITIONS AND COMMUNICATIONS

NONE.

6. REFERRALS FROM CITY COUNCIL, BOARDS, COMMISSIONS OR OTHER AGENCIES

NONE.

7. GOOD AND WELFARE

a. Report from City Council

Report given.

b. Commissioners' report from Committees:

1) Norman Y. Mineta San José International Airport Noise Advisory Committee (Campos).

No quorum for meeting – Site visit to noise monitor.

2) Coyote Valley Specific Plan (Platten).

Platten absent.

3) Parks Funding Subcommittee (Zito).

No report.

4) Envision San José 2040 General Plan Update Process (Kamkar).

Kamkar – Discussed current land use practices and development patterns and initial steps on how to move forward on Envision 2040 plan.

Zito – Allocation of housing for region and San José has taken on more than fair share which may result in bond funds but not guaranteed.

c. Review of synopsis for 02/13/08.

Approved (6-0-1; Platten absent)

d. Consider Study Session dates and/or topics.

No new topics.

Kalra – verbal commendation to Planning Official, John Poindexter, on his last meeting.

8. ADJOURNMENT

2008 PLANNING COMMISSION MEETING SCHEDULE

Date	Time	Type of Meeting	Location
January 16	6:30 p.m.	Regular Meeting	Council Chambers
January 30	6:30 p.m.	Regular Meeting	W118 & W119
February 13	5:00 p.m.	Study Session <i>Review & Comment: Planning Department Website</i>	Room T-332
February 13	6:30 p.m.	Regular Meeting	Council Chambers
February 27	5:00 p.m.	Study Session <i>CEQA: Reviewing Environmental Impact Reports</i>	Room T-332
February 27	6:30 p.m.	Regular Meeting	Council Chambers
March 12	5:00 p.m.	Study Session <i>North San José</i>	Room T-332
March 12	6:30 p.m.	Regular Meeting	Council Chambers
March 26	5:00 p.m.	Study Session <i>Inclusionary Housing</i>	Room T-332
March 26	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 9	5:00 p.m.	Study Session <i>Riparian Corridor Policy</i>	Room T-332
April 9	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
April 21 (MONDAY)	6:30 p.m.	Regular Meeting/General Plan	Council Chambers
May 7	6:30 p.m.	Regular Meeting	Council Chambers
May 14	6:30 p.m.	Regular Meeting	Council Chambers
May 28	6:30 p.m.	Regular Meeting	Council Chambers
June 11	6:30 p.m.	Regular Meeting	Council Chambers
June 25	6:30 p.m.	Regular Meeting	Council Chambers
July 16	6:30 p.m.	Regular Meeting	Council Chambers
August 6	6:30 p.m.	Regular Meeting	Council Chambers
August 20	6:30 p.m.	Regular Meeting	Council Chambers
September 10	6:30 p.m.	Regular Meeting	Council Chambers
September 24	6:30 p.m.	Regular Meeting	Council Chambers
October 8	6:30 p.m.	Regular Meeting	Council Chambers
October 22	6:30 p.m.	Regular Meeting	Council Chambers
November 5	6:30 p.m.	Regular Meeting	Council Chambers
November 19	6:30 p.m.	Regular Meeting	Council Chambers
December 3	6:30 p.m.	Regular Meeting	Council Chambers
December 10	6:30 p.m.	Regular Meeting	Council Chambers